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EMC, VMware named in cloud patent suit

Brett Winterford | Dec 12, 2011 1:33 PM

Peer-to-peer entrepreneurs gamble on patent suit.

Giants of the internet industry have been targeted in an ambitious patent case levied by online entrepreneurs once sued by the music industry.

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Kazaa founder Kevin Bermeister and StreamCast founder Michael Weiss both lost high profile cases to content owners in the 2000s for providing means to illegally download material. The two have since levelled several patent infringement cases at each other.

However, as first reported in *iTnews*, the two have since consolidated their patent holdings and formed a new patent holding company, PersonalWeb.

The new company will attempt to gain a share of the profits earned by several of the giants of cloud computing, including Google, YouTube, Amazon and Dropbox.

Several enterprise cloud vendors such as EMC, VMware, Caringo and NEC have also been named in the suit, filed last week in US District Court of Texas.

The company was deliberately established in the state, a favourable jurisdiction for plaintiffs in patent litigation cases.

The two entrepreneurs claim to have patents that cover "cloud computing, distributed search engine file systems, and content addressable storage".

They will argue that many of today's enterprise IT innovations were derived from peer-to-peer technology used for the distribution of pirated content during the last decade.

Spokesman for Google and VMware said their companies wished not to comment.

Amazon and EMC have also been contacted for comment.

Remember to sign up to our Cloud Cover bulletin for the industry's definitive digest on everything-as-a-service.

A brief history

2003 – RIAA files suit against StreamCast (run by Weiss) over Morpheus service

2006 – StreamCast (run by Weiss) sues Brilliant Digital Entertainment, Kazaa (run by Bermeister) and Skype over P2P patents.

2006 – RIAA wins case against StreamCast

2007 – StreamCast suit against BDE, Kazaa, Skype etc thrown out of court.

2008 - StreamCast Networks files for bankruptcy.

2009 - Kazaa goes legit, but quietly attempts to sue StreamCast, again over patents.

2011 – Bermeister announces successful grant of patents.

2011 - Bermeister/Brilliant Digital Entertainment sells patents into new company, PersonalWeb.

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